IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22551 of 2004

Between:

Thummala Madanmoha Reddy S/o T. Nagi Reddy
R/o D. NO. 9-78, Madhava Nagar Akarampalli Road, Tirupathi Chittoor District

..... PETITIONER

AND

1.. The Presiding Officer, of the Election Tribunal Under A.P. Gram

Panchayat Act-cum- Principal Junior Civil Judge, Tirupati,

Chittoor District
2.. Sri A. Rama Krishna S/o A. Subbaiah
r/o D. NO. 20-5-500-A, Sanjay Gandhi Colony, Karlagunta Raod,

Tirupati, Chittoor

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent in not disposing of O.P. No. 1/2002 pending before the1st respondent is unreasonable and further directing the 1st respondent to complete the Trial and dispose the OP No. 1/2002 pending before him within reasonable period and pass such other order or orders as may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.P.VENKAT RAO

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2 : --

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus to direct the first respondent to complete the trial and dispose of the O.P.No.1 of 2002 pending before him within a reasonable time.

It is the case of the petitioner that he filed the said O.P. questioning the election process held on 04.12.2001, and in the said O.P. though the evidence on his behalf was closed long back on 26.03.2003, the only contesting respondent therein is resorting to dilatory tactics and prolonging the case by not completing the evidence on his behalf. It is further stated that the term of the said election is coming to an end by 2005 and, in case, if the local body elections take place in advance, the very purpose of filing the O.P. will be defeated.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

It is to be noted that, depending upon the workload, the Presiding Officer concerned will determine the dates and dispose of the matters. However, this Court in exercise of its extra-ordinary jurisdiction under Article-226 of the Constitution of India, cannot fix the calendar of the Election Tribunal to advance the hearing of the cases pending before it.

If the petitioner has any grievance as regards delay in finalisation of the case, he has to put forth his grievances before the concerned Presiding Officer of the Tribunal.

Accordingly, the writ petition is dismissed. However, in view of the facts mentioned above, the Presiding Officer may consider the request of the petitioner for advancement of the case, if necessary.

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N.V.RAMANA, J

07.12.2004

tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Presiding Officer, of the Election Tribunal Under A.P. Gram

Panchayat Act-cum- Principal Junior Civil Judge, Tirupati,

Chittoor District
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